

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE      USDA  
OALJ/HCO

In re:

Patti Magee and Michael Magee,

Respondents

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HPA Docket No. 02-0004  
2004 NOV 29 A 10:36

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Consent Decision

The Administrator of the Animal and Plant Health Inspection Service, (APHIS) instituted this proceeding under the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.)(the "Act"), by a complaint alleging that the respondents violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138). Respondents admit the jurisdictional allegations in the complaint, specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondents Michael and Patti Magee are individuals whose mailing address is 15 Weaver Road, Covington, Louisiana 70435.
2. Respondents Michael and Patti Magee, at all times mentioned herein, were the owners of the horse known as "Heatwave's Thriller."
3. On or about May 20, 2000, respondents Michael and Patti Magee entered "Heatwave's Thriller" as Entry Number 7 in Class Number 7 in the Winnsboro Charity Horse Show in Winnsboro, Louisiana, ("the Show") for the purpose of showing or exhibiting the horse.

### Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

### Order

1. Respondents Michael and Patti Magee are each assessed a civil penalty of \$1000.00
2. Respondents Michael and Patti Magee, are disqualified for eight months, beginning November 2, 2004, from showing, exhibiting, or entering any horse, directly, or indirectly through any agent, employee, family member or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction, directly, or indirectly through any agent, employee, family member or other device.<sup>1</sup>

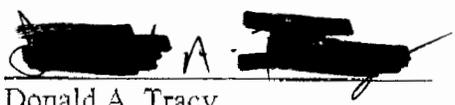
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<sup>1</sup>“Participating” means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

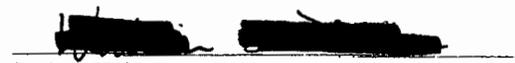
This order shall have the same effect as if entered after a full hearing and shall become effective on the first day after service of this decision on the respondents. Copies of this decision shall be served upon the parties.

  
Michael Magee  
Respondent

  
Patti Magee  
Respondent

  
Donald A. Tracy  
Attorney for Complainant

Done at Washington, D.C.  
this 24 day of November 2004

  
Judge William B. Moran  
Administrative Law Judge